

IN THE UNITED STATE DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRENDA WATTS
2101 N. 33rd Street, Apt. H
Philadelphia, PA 19122

Plaintiff,

v.

SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY
1234 Market Street
Philadelphia, PA 19107

and

SHARON GONZALES
1234 Market Street
Philadelphia, PA 19107

Defendants.

CIVIL ACTION

NO.: _____

COMPLAINT

The Plaintiff, BRENDA WATTS (“WATTS”), by and through her undersigned counsel, hereby files her Complaint against SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY (“SEPTA”) and SHARON GONZALES (“GONZALES”) for declaratory and injunctive relief and compensatory and punitive damages, and states in support as follows:

INTRODUCTION

1. This is an action under Title II of the Americans with Disabilities Act (“ADA”) of 1990, 42 U.S.C. §12101, *et seq.*, under Section 505 of the Rehabilitation Act of 1973 through which Section 504 of the Rehabilitation Act of 1973 (“Rehabilitation Act”) is

enforced, under Civil Action for Deprivation of Rights, 42 U.S.C. §1983 (“1983”), Negligence Per Se and Negligence, to redress unlawful disability-based practices and to make plaintiff “WATTS” whole.

2. The plaintiff, WATTS, was sixty-seven (67) years old on September 30, 2019, and suffered from, among other conditions, “neoplasm of unspecified behavior, multiple myeloma not having achieved remission, localized swelling, mass and lump to left lower limb, difficulty in walking, muscle weakness, and unspecified osteoarthritis,” diagnoses well within the definition of a “qualified individual with a disability,” pursuant to the ADA. (See PowerBack Admission Record and applicable Discharge Transition Plan attached hereto as **Exhibit “A”** which further specifies the need for a walker).

3. Defendant, SEPTA is public entity and an agency of the government of the Commonwealth of Pennsylvania providing the general public with transportation service on a regular and continuing basis. SEPTA is, among other things, a “designated public transportation” entity which “operates” a “fixed route system.”¹ SEPTA is a recipient of Federal financial assistance. On September 30, 2019, SEPTA failed or refused to activate the lift mechanism on one SEPTA’s busses and thereby denied plaintiff access to public transportation in a manner equal to that provided for persons who are not disabled, in violation of Title II of the ADA, the Rehabilitation Act, 42 U.S.C. §1983 and 49 C.F.R. §37. Moreover, SEPTA has successfully invoked “sovereign immunity” to defend itself in state court from previous claims arising from defendant’s failures or refusals to activate lift mechanisms for disabled persons attempting to access public transportation, thereby causing injury and/or denial of access to said disabled persons.

¹ 42 U.S.C. §§12141(2), (3) and (4)

4. Defendant, GONZALES, is an individual and employee of SEPTA providing the general public with transportation service on a regular and continuing basis. On September 30, 2019, Gonzales, the operator of a SEPTA bus, failed or refused to activate the lift mechanism on one of SEPTA's busses and thereby denied plaintiff access to public transportation in a manner equal to that provided for persons who are not disabled, in violation of Title II of the ADA, the Rehabilitation Act, 42 U.S.C. §1983 and 49 C.F.R. §37.

5. Qualified or otherwise qualified individuals with disabilities similar to that of WATTS, are dependent on adjunctive ambulatory devices or aides, such as walkers, to meaningfully ambulate and access public transportation vehicles.

6. Plaintiff WATTS brings this action against SEPTA to enforce Section 504 of the Rehabilitation Act requiring that a public entity receiving federal financial assistance, which SEPTA receives each year, must not deny persons with disabilities the benefits of its programs, services or activities.²

7. Plaintiff WATTS requested that SEPTA and GONZALES provide auxiliary aides, namely the deployable ramp, in order for her to safely disembark from the bus on which she was a passenger. However, SEPTA and GONZALES refused to deploy said ramp.

8. SEPTA's and GONZALES' refusal to deploy said ramp violates Title II of the ADA, Section 504 of the Rehabilitation Act, 42 U.S.C. §1983, and 49 C.F.R. §37.

² See 29 USC §794(a)

JURISDICTION AND VENUE

9. Plaintiff WATTS brings this action, and is expressly authorized to do so, under Sections 12132 and 12133 of the ADA, 42 U.S.C. §§12132 and 12133 incorporating by reference the remedies, procedures and rights under the Rehabilitation Act, 29 U.S.C. §§794 and 794a(a)(2) and (1)(a), and under section 505 of the Rehabilitation Act, which enforces Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794 and 794a(a)(2) incorporation the remedies, rights and procedures set forth in section Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, *et seq.*

10. Plaintiff WATTS further brings this action under the Civil Rights Act of 1964, 42 U.S.C. §1983.

11. This Court has jurisdiction to hear and determine this claim based upon violations of the Federal Civil Rights Law pursuant to 28 U.S.C.A §§1331 and 1343(a), et seq., the ADA, the Rehabilitation Act, and 42 U.S.C. §1983. This Court's jurisdiction is proper under 28 U.S.C. §§451, 1331, and 1343.

12. SEPTA has its offices within, Gonzales is employed and resides within, Watts resides within, and the activities which constitute the basis of this action occurred within the City of Philadelphia, Commonwealth of Pennsylvania.

13. Venue is properly laid in this judicial district pursuant to the provisions of 28 U.S.C.A. § 1391(b).

14. Plaintiff further invokes the pendent jurisdiction of this Court to consider claims arising under state law.

PARTIES

15. Plaintiff, BRENDA WATTS, was a sixty-seven (67) year old person at all relevant times, residing in the Commonwealth of Pennsylvania at 2101 N. 33rd Street, Apartment H, Philadelphia, PA 19122, and at all relevant times was a “qualified individual with a disability” within the meaning of the Americans with Disabilities Act (ADA). She is substantially limited in major life activities including, but not limited to, walking, standing, lifting, bending and working. Plaintiff WATTS is and was, at all relevant times, dependent on the use of walker.

16. Plaintiff WATTS is an otherwise qualified or qualified individual with a disability in that she is and was qualified to access SEPTA’s buses including, but not limited to, those being operated by GONZALES.

17. Due to her disability, Plaintiff WATTS required auxiliary aides and services, such as a deployable ramp, to be able to participate in and receive the benefit of SEPTA and its buses including, but not limited to, those being operated by GONZALES.

18. Defendant, SEPTA, is an agency of the government of the Commonwealth of Pennsylvania providing the general public with transportation services on a regular and continuing basis, with offices and a normal place of business located at 1234 Market Street, Philadelphia, PA 19107. At all relevant times, SEPTA was subject to the authority of the Federal Transit Administration, was a recipient of federal funding, and was obligated to comply with the ADA. At all relevant times, SEPTA acted individually and/or by and through co-defendant GONZALES who at all times was acting as an agent, servant, workman, employee and/or ostensible agent within the course and scope of her employments and/or agency.

19. Defendant SHARON GONZALES is an individual and all relevant times was an employee of SEPTA providing the general public with transportation service on a regular and continuing basis. At all relevant times, GONZALES held herself out as a public transportation bus driver for SEPTA and possessed the ordinary and customary skills, diligence and knowledge of like bus drivers in the field. At all relevant times, GONZALES was the driver of the bus on which Plaintiff WATTS was a passenger. At all relevant times, GONZALES acted individually and/or by and through co-defendant SEPTA as their actual and/or apparent agent, servant, employee and/or ostensible agent acting in the course and scope of her actual and/or apparent employment and/or agency. At all relevant times, GONZALES was obligated to comply with the ADA.

FACTS

20. Pursuant to 28 C.F.R § 36.105 *et seq.*, disability is defined as follows:

(a)(1) Disability means, with respect to an individual:

- (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (ii) A record of such an impairment; or
- (iii) Being regarded as having such an impairment as described in paragraph (f) of this section.

21. The ADA defines “Qualified Individual with a Disability” as follows:

“[a]n individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the

participation in programs or activities provided by a public entity.

(42 U.S.C. § 12131(2))

22. The purpose of 49 CFR §37, United States Department of Transportation, Federal Transit Administration, Transportation Services for Individuals with Disabilities, is “[t]o implement the transportation and related provisions of title II and III of the Americans with Disabilities Act of 1990.”

23. Subpart B of 49 CFR §37, states that this part is applicable to “[a]ny public entity that provides designated public transportation or intercity or commuter rail transportation” regardless of “[w]hether or not they receive Federal financial assistance from the Department of Transportation.” Defendant SEPTA is such an entity.³

24. Pursuant to 49 CFR §37.5 – Nondiscrimination:

- (a) No entity shall discriminate against an individual with a disability in connection with the provision of transportation service.
- (b) [a]n entity shall not, on the basis of disability, deny to any individual with a disability the opportunity to use the entity’s transportation service for the general public, if the individual is capable of using that service.

25. Furthermore, 49 CFR §38.1 “[p]rovides minimum guidelines and requirements for accessibility standards in part 37 of this title for transportation vehicles required to be accessible by the Americans With Disabilities Act (ADA) of 1990 (42 U.S.C. 1201 *et seq.*).

26. 49 CFR §38.23, entitled “Mobility aid accessibility,” states in part:

- (a) **General.** All vehicles covered by this subpart shall provide a level-change mechanism or boarding

³ 49 CFR §37.21(a)(1) and (a), respectively

device (e.g., lift or ramp) complying with paragraph (b) of (c) of this section and sufficient clearances to permit a wheelchair or **other mobility aid user** to reach a securement location. (emphasis added).

27. The SEPTA bus in question in this matter is a vehicle covered by 49 CFR §§37 and 38.

28. At all relevant times, WATTS was a “qualified individual with a disability” who suffered from multiple medical conditions, was dependent on a walker and required the assistance of mechanical lifting devices in order to safely embark and disembark public transportation vehicles in a manner equal to non-disabled persons.

29. On September 30, 2019, at approximately 1:45 p.m., WATTS, while using her walker, demonstrated significant difficulty boarding a Route 32 bus that GONZALES was operating at 33rd and Diamond Streets.

30. Several minutes later, WATTS intended to disembark said bus at the intersection of 33rd Street and Cecil B. Moore Avenue. Upon the bus coming to a stop, WATTS requested GONZALES deploy the ramp in order to ease her disembarkation.

31. GONZALES refused to deploy the ramp, stating in words or substance, “I ain’t got time for that. We don’t put out the ramp for walkers.”

32. When GONZALES stopped the bus, the distance between the step and the curb prohibited WATTS from placing her walker fully on the roadway while creating a space between the bus’s bottom step and the walker, and the distance was too far for WATTS to place her walker on the sidewalk.

33. WATTS stepped down with her right leg while holding on to her walker but due to her disability, was unable to move her left leg in order to step down. In the process, WATTS’ left leg twisted in an oblique manner. This twisting resulted in a fracture of her

left femur. Using her arms to support her full weight to fully step off of the bus caused WATTS to suffer a fracture of her left humerus.

34. WATTS was transported from the scene by ambulance to Temple University Hospital where she ultimately underwent open reduction internal fixation (ORIF) surgeries on left femur and left humerus.

35. WATTS suffered serious personal injuries and pain when defendants, acting under color of state law, failed or refused to properly utilize and/or deploy the bus's ramp. This inaction denied WATTS access to public transportation services in a manner equal to non-disabled persons.

36. As a further direct and proximate result of the aforesaid conduct by SEPTA and GONZALES, WATTS suffered a severe shock to her nervous system and great physical pain and was required to expend moneys for medicine, medical supplies and medical attention in efforts to resolve and alleviate same.

37. As a further direct and proximate result of the aforesaid conduct by SEPTA and GONZALES, WATTS has been precluded from participation in many of the activities she previously enjoyed and has suffered from diminution of the quality of her life.

38. As a further direct and proximate result of the aforesaid conduct by SEPTA and GONZALES, WATTS will in the future continue to suffer from great physical pain and financial loss as she is required to continue to expend further moneys for medicines, medical supplies and medical attention, and further diminution of the quality of her life.

COUNT I
VIOLATION OF TITLE II OF THE ADA
BRENDA WATTS V. SEPTA

39. Plaintiff incorporates by reference paragraphs 1 through 38 above as if fully set forth at length herein.

40. SEPTA's operation of "designation of public transportation" with a "fixed route system" is a service, program or activity within the definition of Title II of the ADA.

41. On September 30, 2019, WATTS was a passenger on a SEPTA bus being operated by GONZALES.

42. WATTS requested that GONZALES deploy the ramp so that she could disembark the bus safely while ambulating with her walker.

43. GONZALES, as acting as an agent, servant, employee and/or ostensible agent acting in the course and scope of her actual and/or apparent employment and/or agency with her employer, SEPTA, refused to deploy the ramp.

44. SEPTA failed to provide an auxiliary aid or service for WATTS to disembark safely from the bus after a specific request was made to do so.

45. SEPTA denied WATTS the opportunity to participate in or benefit from the programs, services and activities afforded to persons who are not mobility impaired.

46. SEPTA denied WATTS these opportunities due to her disabilities, i.e. her mobility impairment.

47. SEPTA denied WATTS the opportunity to participate in and benefit from a service, program or activity due to her disability.

48. SEPTA had actual knowledge that its agents, servants, workmen and/or employees (vehicle operators) had committed acts substantially similar to those

described herein but failed to diligently exercise their responsibilities to instruct, supervise, control and discipline its vehicle operator.⁴

49. SEPTA has failed to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied participation in a service, program or activity, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services.

50. SEPTA failed to provide auxiliary aids and services, namely the deployment of a ramp in contravention of 49 C.F.R. §37.

51. Providing the deployment of the ramp as requested would not have resulted in any undue burden to SEPTA.

52. Providing the deployment of the ramp as request would not have fundamentally changed the nature of the service, program or activity.

53. SEPTA's action of supporting a policy that deprives disabled individuals of their right to equal access to public accommodations and transportation services thus preventing them from enjoying the advantages and benefits of public accommodations violates the ADA.

54. As a direct and proximately result of Defendant SEPTA's unlawful discrimination, Plaintiff WATTS has sustained injuries and damages.

WHEREFORE, the Plaintiff, BRENDA WATTS, requests relief as set forth below:

A. A Declaratory Judgment finding that, as of the commencement of this action, SEPTA was in violation of the specific requirements of Title II of the ADA described above, and the relevant implementing regulations of the ADA, in that

⁴ Darlene Bottoms v. SEPTA, 805 A.2d 47 (Pa. Cmmw. Ct. 2002); Ernestine Lee v. SEPTA, USCD EDPA 2:05-cv-01658

SEPTA took no action that was reasonably calculated to ensure its operators deployed ramps when the need for deployment was obvious or upon request of its passengers who were obviously disabled or qualified individuals with a disability;

- B. A permanent injunction pursuant to 42 U.S.C. §12188(a)(2) and 28 CFR §35.160(b)(1) which directs SEPTA to take all steps necessary to require its operators to fully comply with any and all policies and procedures already and not already in place mandating the deployment of ramps for passengers requesting same or who are obviously disabled or who are qualified individuals with a disability in full compliance with the ADA, and which further directs the that Court shall retain jurisdiction for a period to be determined to ensure that SEPTA has adopted and is following an institutional policy that will in fact cause SEPTA to remain fully in compliance with the law;
- C. That SEPTA ensures that all employees, more specifically its vehicle operators, be given appropriate training on periodic basis calculated to achieve ongoing compliance with the policies and procedures relating to the deployment of said ramps for passengers requesting same or who are obviously disabled or who are qualified individuals with a disability in full compliance with the ADA.
- D. Damages to WATTS as compensation for SEPTA's deliberate indifference to violating her rights under the ADA and Rehabilitation Act;
- E. Payment of costs of suit;
- F. Payment of reasonable attorneys' fees and costs, pursuant to 42 U.S.C. §12205 and 28 CFR §35.175; and

G. Any and all other relief this Court deems necessary and just.

COUNT II
VIOLATION OF TITLE II OF THE ADA
BRENDA WATTS V. SHARON GONZALES

55. Plaintiff incorporates by reference paragraphs 1 through 54 above as if fully set forth at length herein.

56. SEPTA's operation of "designation of public transportation" with a "fixed route system" is a service, program or activity within the definition of Title II of the ADA.

57. On September 30, 2019, WATTS was a passenger on a SEPTA bus being operated by GONZALES.

58. WATTS requested that GONZALES deploy the ramp so that she could disembark the bus safely while ambulating with her walker.

59. GONZALES, as acting as an agent, servant, employee and/or ostensible agent acting in the course and scope of her actual and/or apparent employment and/or agency with her employer, SEPTA, refused to deploy the ramp.

60. GONZALES failed to provide an auxiliary aid or service for WATTS to disembark safely from the bus after a specific request was made to do so.

61. GONZALES denied WATTS the opportunity to participate in or benefit from the programs, services and activities afforded to persons who are not mobility impaired.

62. GONZALES denied WATTS these opportunities due to her disabilities, i.e. her mobility impairment.

63. GONZALES denied WATTS the opportunity to participate in and benefit from a service, program or activity due to her disability.

64. GONZALES knew, or should have known, that SEPTA had actual knowledge that its agents, servants, workmen and/or employees (vehicle operators) had committed acts substantially similar to those described herein but failed to diligently exercise their responsibilities to instruct, supervise, control and discipline its vehicle operator. (See *Bottoms v. SEPTA and Lee v. SEPTA, supra.*).

65. GONZALES failed to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied participation in a service, program or activity, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services.

66. GONZALES failed to provide auxiliary aids and services, namely the deployment of a ramp in contravention of 49 C.F.R. §37.

67. Providing the deployment of the ramp as requested would not have resulted in any undue burden to GONZALES.

68. Providing the deployment of the ramp as request would not have fundamentally changed the nature of the service, program or activity.

69. GONZALES' action of supporting a policy that deprives disabled individuals of their right to equal access to public accommodations and transportation services thus preventing them from enjoying the advantages and benefits of public accommodations violates the ADA.

70. As a direct and proximately result of Defendant GONZALES' unlawful discrimination, Plaintiff WATTS has sustained injuries and damages.

WHEREFORE, the Plaintiff, BRENDA WATTS, requests relief as set forth below:

- A. Damages to WATTS as compensation for SEPTA's deliberate indifference to violating her rights under the ADA and Rehabilitation Act;
- B. Payment of costs of suit;
- C. Payment of reasonable attorneys' fees and costs, pursuant to 42 U.S.C. §12205 and 28 CFR §35.175; and
- D. Any and all other relief this Court deems necessary and just.

COUNT III
VIOLATION OF THE REHABILITATION ACT OF 1973
BRENDA WATTS V. SEPTA

71. Plaintiff incorporates by reference paragraphs 1 through 70 above as if fully set forth at length herein.

72. Each of Defendant SEPTA's busses are equipped with a ramp that can easily be deployed by its operators for the safe embarkation and disembarkation of its passengers with disabilities or those "qualified individuals with a disability," such as WATTS.

73. At all times relevant, SEPTA was a recipient of federal financial assistance bringing SEPTA under the Rehabilitation ACT which prohibits discrimination against qualified or otherwise qualified individuals in the recipient's "programs or activities."

74. The Rehabilitation Act defines "program or activity" to mean all of the operations of a department, agency, special purpose district, or other instrumentality of State or local government. SEPTA is an instrumentality of State or local government. Defendant SEPTA is a "designated public transportation" entity which "operates" a "fixed route system" and as such, are a "program or activity" within the meaning of the Rehabilitation Act. 29 U.S.C. Section 794(b)(1)(A).

75. On September 30, 2019, Plaintiff WATTS requested that SEPTA, and its operator GONZALES, deploy the onboard ramp so that she could safely disembark from the bus. SEPTA and GONZALES failed and refused to deploy said ramp.

76. SEPTA failed to provide WATTS with the requested auxiliary aids and services she was entitled to as a qualified individual with a disability.

77. Plaintiff is expressly authorized to bring this action under the Rehabilitation Act of 1973, 29 U.S.C. Section 794 and 794a(a)(2) and (b)(1)(A), and under Section 505 of the Rehabilitation Act which enforces Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794 and 794a incorporating the remedies, rights and procedures set forth in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et. seq.

78. SEPTA had actual knowledge that its agents, servants, workmen and/or employees (vehicle operators) had committed acts substantially similar to those described herein but failed to diligently exercise their responsibilities to instruct, supervise, control and discipline its vehicle operator. (See *Bottoms v. SEPTA and Lee v. SEPTA, supra.*).

79. Since at least 2002, SEPTA has engaged in unlawful practices in violation of Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794. These practices include, but are not limited to, denying Plaintiff WATTS, a qualified individual with a disability who, with or without reasonable modifications to the rules, policies or practices, the provision of auxiliary aids and services, namely the onboard ramp, which meets the essential eligibility requirements for the receipt of services to participate in programs or activities provided by SEPTA.

80. SEPTA has acted with deliberate indifference to the provisions of the Rehabilitation Act and Title II of the ADA in regards to the unlawful practices described herein because SEPTA is and was aware of the available auxiliary aids and services and failed to provide any such services, including but not limited to the onboard ramp, and failed to provide said services upon WATTS' request for same.

81. As a direct and proximate result of SEPTA's unlawful discrimination, Plaintiff WATTS has sustained serious personal injuries and damages.

WHEREFORE, the Plaintiff, BRENDA WATTS, requests relief as set forth below:

- A. A Declaratory Judgment finding that, as of the commencement of this action, SEPTA was in violation of the specific requirements of the Rehabilitation Act as described above and the relevant implementing regulations of the Rehabilitation Act, in that SEPTA took no action that was reasonably calculated to ensure its operators deployed ramps when the need for deployment was obvious or upon request of its passengers who were obviously disabled or qualified individuals with a disability;
- B. A permanent injunction pursuant to 42 U.S.C. §12133; 28 CFR §35.160(a)(1) and (b)(1); and 29 U.S.C. §794a(a)(2) which directs SEPTA to take all steps necessary to require its operators to fully comply with any and all policies and procedures already and not already in place mandating the deployment of ramps for passengers requesting same or who are obviously disabled or who are qualified individuals with a disability in full compliance with the ADA and the Rehabilitation Act of 1973, and which further directs the that Court shall retain jurisdiction for a period to be determined to ensure that SEPTA has adopted

and is following an institutional policy that will in fact cause SEPTA to remain fully in compliance with the law;

- C. That SEPTA ensures that all employees, more specifically its vehicle operators, be given appropriate training on periodic basis calculated to achieve ongoing compliance with the policies and procedures relating to the deployment of said ramps for passengers requesting same or who are obviously disabled or who are qualified individuals with a disability in full compliance with the ADA.
- D. Damages to WATTS as compensation for SEPTA's deliberate indifference to violating her rights under the ADA and Rehabilitation Act;
- E. Payment of costs of suit;
- F. Payment of reasonable attorneys' fees and costs, pursuant to 42 U.S.C. §12205 and 28 CFR §35.175; and
- G. Any and all other relief this Court deems necessary and just

COUNT IV
VIOLATION OF THE REHABILITATION ACT OF 1973
BRENDA WATTS V. SHARON GONZALES

82. Plaintiff incorporates by reference paragraphs 1 through 81 above as if fully set forth at length herein.

83. Each of Defendant SEPTA's busses, including the one being operated by GONZALES that is the subject of this Complaint, are equipped with a ramp that can easily be deployed by its operators for the safe embarkation and disembarkation of its passengers with disabilities or those "qualified individuals with a disability," such as WATTS.

84. At all times relevant, SEPTA was a recipient of federal financial assistance bringing SEPTA under the Rehabilitation ACT which prohibits discrimination against qualified or otherwise qualified individuals in the recipient's "programs or activities."

85. The Rehabilitation Act defines "program or activity" to mean all of the operations of a department, agency, special purpose district, or other instrumentality of State or local government. SEPTA is an instrumentality of State or local government. Defendant SEPTA is a "designated public transportation" entity which "operates" a "fixed route system" and as such, are a "program or activity" within the meaning of the Rehabilitation Act. 29 U.S.C. Section 794(b)(1)(A).

86. On September 30, 2019, Plaintiff WATTS requested that SEPTA, and its operator GONZALES, deploy the onboard ramp so that she could safely disembark from the bus. SEPTA and GONZALES failed and refused to deploy said ramp.

87. GONZALES failed to provide WATTS with the requested auxiliary aids and services she was entitled to as a qualified individual with a disability.

88. Plaintiff is expressly authorized to bring this action under the Rehabilitation Act of 1973, 29 U.S.C. Section 794 and 794a(a)(2) and (b)(1)(A), and under Section 505 of the Rehabilitation Act which enforces Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794 and 794a incorporating the remedies, rights and procedures set forth in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et. seq.

89. GONZALES knew, or should have known, that SEPTA had actual knowledge that its agents, servants, workmen and/or employees (vehicle operators) had committed acts substantially similar to those described herein but failed to diligently

exercise their responsibilities to instruct, supervise, control and discipline its vehicle operator. (See *Bottoms v. SEPTA* and *Lee v. SEPTA*, *supra.*).

90. Since at least 2002, SEPTA has engaged in unlawful practices in violation of Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794. These practices include, but are not limited to, denying Plaintiff WATTS, a qualified individual with a disability who, with or without reasonable modifications to the rules, policies or practices, the provision of auxiliary aids and services, namely the onboard ramp, which meets the essential eligibility requirements for the receipt of services to participate in programs or activities provided by SEPTA.

91. GONZALES acted with deliberate indifference to the provisions of the Rehabilitation Act and Title II of the ADA in regards to the unlawful practices described herein because GONZALES is and was aware of the available auxiliary aids and services and failed to provide any such services, including but not limited to the onboard ramp, and failed to provide said services upon WATTS' request for same.

92. As a direct and proximate result of GONZALES' unlawful discrimination, Plaintiff WATTS has sustained serious personal injuries and damages.

WHEREFORE, the Plaintiff, BRENDA WATTS, requests relief as set forth below:

- A. Damages to WATTS as compensation for SEPTA's deliberate indifference to violating her rights under the ADA and Rehabilitation Act;
- B. Payment of costs of suit;
- C. Payment of reasonable attorneys' fees and costs, pursuant to 42 U.S.C. §12205 and 28 CFR §35.175; and
- D. Any and all other relief this Court deems necessary and just.

COUNT V
VIOLATION OF THE CIVIL RIGHTS ACT – 42 U.S.C. §1983
BRENDA WATTS V. SEPTA

93. Plaintiff incorporates by reference paragraphs 1 through 92 above as if fully set forth at length herein.

94. Plaintiff WATTS is a “qualified individual with a disability” as described herein.

95. Acting under color of State law, defendant SEPTA negligently failed to instruct, supervise, control and/or discipline their employees of their duties to refrain from:

- a. Unlawfully and/or maliciously utilizing and/or failing to utilize and/or failing to properly utilize the mechanical lifting device, namely the ramp, upon its busses for disabled persons, thereby denying such persons equal access, such as WATTS;
- b. Otherwise depriving disabled citizens and residents, such as WATTS, of their constitutional and/or statutory rights and privileges.

96. SEPTA had actual knowledge that its agents, servants, workmen and/or employees (vehicle operators) had committed acts substantially similar to those described herein. (See *Bottoms v. SEPTA and Lee v. SEPTA, supra.*) but failed to diligently exercise their responsibilities to instruct, supervise, control and discipline its vehicle operators. SEPTA knew, or should have known, of deprivations of constitutional and/or statutory rights and violations of laws alleged herein were likely to continue to take place. SEPTA had power to prevent or aid in the prevention of the commission of said wrongs, could have done so with reasonable diligence, but grossly and recklessly neglected, failed or refused to do so. Moreover, SEPTA has actually successfully

defended similar previous conduct in state court, further illustrating its intention to continue the conduct.

97. SEPTA had authority to, and was required by the ADA and the Rehabilitation Act, and by statutes and ordinances of the Commonwealth of Pennsylvania, to exercise due diligence to instruct, supervise, control and discipline its vehicle operators on a continuing basis, but intentionally, recklessly or negligently failed to perform such duties as required by law, statute or ordinance.

98. SEPTA, directly or indirectly, under color of law, approved or ratified the unlawful conduct of its vehicle operators not only by failing to exercise their duties and responsibilities, but by actually invoking sovereign immunity to defend itself from similar previous claims.

99. In the matter at hand, SEPTA, through GONZALES, failed to deploy the ramp for the safe disembarkation from the bus upon the request of WATTS who, at all times relevant, was a qualified individual with a disability.

100. The aforesaid acts and/or omissions of SEPTA constitute intentional conduct or recklessness under 42 U.S.C. §1983.

101. As a direct and proximate result of GONZALES' unlawful discrimination, Plaintiff WATTS has sustained serious personal injuries and damages.

WHEREFORE, the Plaintiff, BRENDA WATTS, requests relief as set forth below:

- A. Compensatory and punitive damages for SEPTA's deliberate indifference to violating her rights under 42 U.S.C. §1983;
- B. Payment of costs of suit;
- C. Payment of reasonable attorneys' fees and costs; and

D. Any and all other relief this Court deems necessary and just.

COUNT VI
VIOLATION OF THE CIVIL RIGHTS ACT – 42 U.S.C. §1983
BRENDA WATTS V. SHARON GONZALES

102. Plaintiff incorporates by reference paragraphs 1 through 101 above as if fully set forth at length herein.

103. Plaintiff WATTS is a “qualified individual with a disability” as described herein.

104. Acting under color of State law, defendant GONZALES:

- a. Unlawfully and/or maliciously failed to utilize and/or failed to properly utilize the mechanical lifting device, namely the ramp, upon the bus she was operating thereby denying WATTS equal access;
- b. Deprived WATTS of her constitutional and/or statutory rights and privileges.

105. GONZALES knew, or should have known, that SEPTA had actual knowledge that its agents, servants, workmen and/or employees (vehicle operators) had committed acts substantially similar to those described herein but failed to diligently exercise their responsibilities to instruct, supervise, control and discipline its vehicle operator. (See *Bottoms v. SEPTA and Lee v. SEPTA, supra.*). GONZALES knew, or should have known, of deprivations of constitutional and/or statutory rights and violations of laws alleged herein were likely to continue to take place. GONZALES had power to prevent or aid in the prevention of the commission of said wrongs, could have done so with reasonable diligence, but grossly and recklessly neglected, failed or refused to do so.

106. GONZALES had authority to, and was required by the ADA and the Rehabilitation Act, and by statutes and ordinances of the Commonwealth of Pennsylvania, to exercise due diligence, but intentionally, recklessly or negligently failed to perform her duties as required by law, statute or ordinance.

107. GONZALES, directly or indirectly, under color of law, failed to exercise her duties and responsibilities.

108. In the matter at hand, GONZALES failed to deploy the ramp for the safe disembarkation from the bus upon the request of WATTS who, at all times relevant, was a qualified individual with a disability.

109. The aforesaid acts and/or omissions of GONZALES constitute intentional conduct or recklessness under 42 U.S.C. §1983.

110. As a direct and proximate result of GONZALES' unlawful discrimination, Plaintiff WATTS has sustained serious personal injuries and damages.

WHEREFORE, the Plaintiff, BRENDA WATTS, requests relief as set forth below:

- A. Compensatory and punitive damages for GONZALES' deliberate indifference to violating her rights under 42 U.S.C. §1983;
- B. Payment of costs of suit;
- C. Payment of reasonable attorneys' fees and costs; and
- D. Any and all other relief this Court deems necessary and just.

COUNT VII
NEGLIGENCE PER SE
BRENDA WATTS V. SEPTA

111. Plaintiff incorporates by reference paragraphs 1 through 110 above as if fully set forth at length herein.

112. Defendant SEPTA violated the ADA and the Rehabilitation Act as herein set forth, which, in pertinent part, prohibits discrimination against disabled individuals and qualified individuals with a disability in the provision of transportation services.

113. The ADA and the Rehabilitation Act were intended, exclusively or in part, to protect a class of persons which included WATTS, whose interest against harm has been invaded by SEPTA.

114. The ADA and the Rehabilitation Act were intended, exclusively or in part, to protect that particular interest that WATTS had against being harmed which was invaded by SEPTA.

115. The ADA and the Rehabilitation Act were designed to protect the interest of WATTS against the particular hazard from which harm to WATTS arose.

116. SEPTA's violations of the ADA and the Rehabilitation Act were the "legal cause" that is the direct and proximate cause of the invasion of WATTS' interest to be free from harm, as a of which , WATTS sustained the aforementioned harms set forth previously in this Complaint.

WHEREFORE, the Plaintiff, BRENDA WATTS, requests relief as set forth below:

- A. Compensatory and punitive damages for SEPTA's negligence per se;
- B. Payment of costs of suit;
- C. Payment of reasonable attorneys' fees and costs; and
- D. Any and all other relief this Court deems necessary and just.

COUNT VIII
NEGLIGENCE PER SE
BRENDA WATTS V. SHARON GONZALES

117. Plaintiff incorporates by reference paragraphs 1 through 116 above as if fully set forth at length herein.

118. Defendant GONZALES violated the ADA and the Rehabilitation Act as herein set forth, which, in pertinent part, prohibits discrimination against disabled individuals and qualified individuals with a disability in the provision of transportation services.

119. The ADA and the Rehabilitation Act were intended, exclusively or in part, to protect a class of persons which included WATTS, whose interest against harm has been invaded by GONZALES.

120. The ADA and the Rehabilitation Act were intended, exclusively or in part, to protect that particular interest that WATTS had against being harmed which was invaded by GONZALES.

121. The ADA and the Rehabilitation Act were designed to protect the interest of WATTS against the particular hazard from which harm to WATTS arose.

122. GONZALES' violations of the ADA and the Rehabilitation Act were the "legal cause" that is the direct and proximate cause of the invasion of WATTS' interest to be free from harm, as a of which , WATTS sustained the aforementioned harms set forth previously in this Complaint.

WHEREFORE, the Plaintiff, BRENDA WATTS, requests relief as set forth below:

- A. Compensatory and punitive damages for GONZALES' negligence per se;
- B. Payment of costs of suit;

- C. Payment of reasonable attorneys' fees and costs; and
- D. Any and all other relief this Court deems necessary and just.

COUNT IX
NEGLIGENCE
BRENDA WATTS V. SEPTA

123. Plaintiff incorporates by reference paragraphs 1 through 122 above as if fully set forth at length herein.

124. SEPTA was negligent in the following respects:

- a. Failing to warn plaintiff of a defective condition;
- b. Failing to properly prepare the bus for passengers;
- c. Failing to maintain the bus in a safe condition for embarkation and disembarkation;
- d. Operating the bus in such a way as to create an unreasonably dangerous situation and/or condition;
- e. Violating laws of the United States, the Commonwealth of Pennsylvania and the City of Philadelphia pertaining to the safe maintenance and operation of busses under their control;
- f. Violating laws of the United States, the Commonwealth of Pennsylvania and the City of Philadelphia pertaining to providing disabled persons and qualified individuals with a disability with access to public transportation equal to that provided for non-disabled persons;
- g. Failing to exercise the highest degree of care; and
- h. Failing to exercise due care under the circumstances.

125. As a direct and proximate result of SEPTA's aforesaid negligence and violation of their duty of the highest degree of care, WATTS suffered serious injuries, including, but not limited to, fractures of her left femur and left humerus, both of which required ORIF surgery.

126. As a further direct and proximate of the aforesaid acts of SEPTA, WATTS suffered a severe shock to her nervous system and great physical pain and was required to expend moneys for medicine, medical supplies and medical attention in efforts to resolve and alleviate same.

127. As a further direct and proximate result of the aforesaid conduct by SEPTA, WATTS has been precluded from participation in many of the activities she previously enjoyed and has suffered from diminution of the quality of her life.

128. As a further direct and proximate result of the aforesaid conduct by SEPTA, WATTS will in the future continue to suffer from great physical pain and financial loss as she is required to continue to expend further moneys for medicines, medical supplies and medical attention, and further diminution of the quality of her life.

WHEREFORE, the Plaintiff, BRENDA WATTS, requests relief as set forth below:

- A. Compensatory and punitive damages for SEPTA's negligence;
- B. Payment of costs of suit;
- C. Payment of reasonable attorneys' fees and costs; and
- D. Any and all other relief this Court deems necessary and just.

COUNT IX
NEGLIGENCE
BRENDA WATTS V. SHARON GONZALES

129. Plaintiff incorporates by reference paragraphs 1 through 128 above as if fully set forth at length herein.

130. GONZALES was negligent in the following respects:

- a. Failing to warn plaintiff of a defective condition;
- b. Failing to properly prepare the bus for passengers;
- c. Failing to maintain the bus in a safe condition for embarkation and disembarkation;
- d. Operating the bus in such a way as to create an unreasonably dangerous situation and/or condition;
- e. Failure to acquiesce to the request of WATTS to deploy the ramp for her to safely disembark the bus;
- f. Violating laws of the United States, the Commonwealth of Pennsylvania and the City of Philadelphia pertaining to the safe maintenance and operation of busses under their control;
- g. Violating laws of the United States, the Commonwealth of Pennsylvania and the City of Philadelphia pertaining to providing disabled persons and qualified individuals with a disability with access to public transportation equal to that provided for non-disabled persons;
- h. Failing to exercise the highest degree of care; and
- i. Failing to exercise due care under the circumstances.

131. As a direct and proximate result of GONZALES' aforesaid negligence and violation of her duty of the highest degree of care, WATTS suffered serious injuries, including, but not limited to, fractures of her left femur and left humerus, both of which required ORIF surgery.

132. As a further direct and proximate result of the aforesaid acts of GONZALES, WATTS suffered a severe shock to her nervous system and great physical pain and was required to expend moneys for medicine, medical supplies and medical attention in efforts to resolve and alleviate same.

133. As a further direct and proximate result of the aforesaid conduct by GONZALES, WATTS has been precluded from participation in many of the activities she previously enjoyed and has suffered from diminution of the quality of her life.

134. As a further direct and proximate result of the aforesaid conduct by GONZALES, WATTS will in the future continue to suffer from great physical pain and financial loss as she is required to continue to expend further moneys for medicines, medical supplies and medical attention, and further diminution of the quality of her life.

WHEREFORE, the Plaintiff, BRENDA WATTS, requests relief as set forth below:

- A. Compensatory and punitive damages for GONZALES' negligence;
- B. Payment of costs of suit;
- C. Payment of reasonable attorneys' fees and costs; and
- D. Any and all other relief this Court deems necessary and just

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated this 13th day of August, 2020.

Respectfully Submitted,

Zibelman Legal Associates, P.C.
Alan R. Zibelman, Esquire
Counsel to Plaintiff
FBN: 66993
1500 J.F.K. Boulevard, Suite 1030
Philadelphia, PA 19102
Tel: (215) 569-0600

By: /s/ Alan R. Zibelman
E-Mail: alan@ziblaw.com

EXHIBIT “A”

Discharge Destination: Home alone

Transportation for discharge: None

Family/Resident Representative: Roxanne Brown Emergency Contact

Address: 2101 N 33RD STREET APT H, PHILADELPHIA, PA, 19122

Phone: (267) 355-2169 (cell)

Identified as responsible for self and makes own decisions.

Attending Physician at PowerBack Center City Phila: David Barnes

Phone: (215) 546-5960

Managing Your Future

We have enjoyed working with you and your family. Genesis feels strongly about supporting you after you leave our center. Should you or your caregiver have any follow-up questions, please contact PowerBack Center City Phila at (215) 546-5960 or the Genesis Care Line at 1-866-745-CARE.

MEMBER you are allergic to:

Known Allergies

Primary Reason for your stay:

DISPLACEMENT OF UNSPECIFIED BEHAVIOR OF UNSPECIFIED SITE, MULTIPLE
MYELOMA NOT HAVING ACHIEVED REMISSION

Special Care Instructions/Limitations including treatments:

Therapy services received during stay:

Physical therapy (PT)

Summary of Stay

For last set of vitals taken were:

Temperature: 98.1

Heart rate: 98

Respiration: 18

Blood Pressure: 155/81

Oxygen Saturation Level: 100

Weight: 182.2

SpO2 Level: 0

Discharge Status including Advance Directive Orders: FULL CODE

Wound Condition: Intact

Significant Infections and/or colonization:

Precautions to take: Standard precautions are used to prevent the spread of harmful germs through contact with blood, body fluids, non-intact skin (including rashes), and mucous membranes. Standard precautions includes good hand washing and wearing gloves, a gown, face mask or eye protection as needed. Please discuss with your physician, at your follow up visit, if continuing precautions is needed.

Care needs/assistance level at discharge:

Mobility: Independent

Equipment needed: N/A

Feeding: Independent

Equipment needed: Walker

Walking: Independent

Equipment needed: N/A

Household tasks(meal prep, bill paying, simple cleaning): Independent

Equipment needed: N/A

Transfer from bed to chair: Independent

Equipment needed: N/A

Driving: Independent

Equipment needed: N/A

Communication: Intact

Cognitive Impairment: No

Psychiatric Symptoms: Pt. reported feeling depressed.

Psychosocial needs and current behavior identified with interventions: n/a

Primary Recommendations: Regular

Service Resource Guide

I/or my caregiver understands that my primary care physician will care for me after I leave the center and will be notified of my stay.

Primary Care Physician (PCP) is: Ali Jamal Noory

can be reached at:

Next PCP visit is: 10/15/2019 10:15

Persons Who Are Helping To Care For You:

Name	Specialty	Reason	Address	When	Phone
Al Bromberg	Hematology	Follow-Up Care	3401 N. Broad St Ambulatory Care Center Philadelphia Pa. 19140	10/21/2019 0:00	215-707-4675

anesis
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DISCHARGE TRANSITION PLAN for Brenda Watts

tes to remember what to talk about with Physician - Ali Jamal Noory

ring your stay you were prescribed the following medications that have been continued or changed, please use this to share with your physician. YOUR RRENT MEDICATIONS THAT YOU SHOULD TAKE AT HOME ARE LISTED ABOVE ATTACHED.

her attachments that concern your care while in this facility:

Lab

Radiology

Medication List

Consultations

Advance Directives/State Health Care Instruction form

Therapy Transition Plan

Other - _____

If I experience the following signs or symptoms, I will contact my primary care physician:

- New, increased or persistent pain that is not relieved
- Chest tightness or increased chest pain
- Lightheadedness, dizziness or light headedness
- Decreased urine or decrease in urination
- Decreased saliva production
- Diarrhea
- Rash or skin or skin rashes
- Fever (greater than 100 degrees F or increase of 2 degrees F over normal)
- Heart rate greater than 100 or less than 50 per minute
- Increased cough and/or mucous production
- Increased edema in lower extremities or lower back if lying down
- Increased lower back pain
- Nausea and vomiting
- Stinging or burning with urination
- Shortness of breath or an increase in breathing rate - greater than 28 per minute
- Urinary incontinence
- Weight gain of more than 5 lbs in 3 days or more than 1.5 lbs per day

My Equipment Needs/Status

Equipment	Status	Name Address/Phone	Delivery Date/Time
mode	Item Ordered	Ocean Home Health, 732-961-1301	09/26/2019 0:00
ower Chair	Item Ordered	Ocean Home Health, 732-961-1301	09/26/2019 0:00
lker	Item Ordered	Ocean Home Health, 732-961-1301	09/26/2019 0:00

DISCHARGE TRANSITION PLAN for Brenda Watts

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1

immunization provided during this stay:

one

earing: Adequate

sion: Adequate

ental: No dentures

peech: Clear speech

ontinence

adder: Continent - complete control

owel: Continent – Complete control

ferred daily activity/routine/events/enjoyed:

joyed watching TV and had visitors daily

emergency room visits and re-hospitalization: None

Community Services

patient is home bound

Home Program information: Bayada, 215-413-0600

Home Care Services to be provided: HHA - home health aide, PT - physical therapy, OT - occupational therapy, skilled nursing services, Social Work

Estimated Start date: 09/27/2019

Prescriptions faxed to homecare provider

d/or my caregiver:

have been involved in decisions about what will take place after I leave the center and I understand where I am going.

understand what my medications are, how to obtain them, how to take them, and I am aware of potential side effects.

understand that making a follow-up appointment with my primary care physician as soon as possible and keeping the appointment are my number one priority.

understand how to keep my health problems from becoming worse and what symptoms may present.

have the name and phone number of a physician to call if a health problem arises or experience medication side effects.

have had my most important questions answered prior to leaving the center.

understand, with permission of my primary care physician, I may return directly to the center for medical care. Please contact 866-745-CARE if needed.

have been given a copy of the discharge plan.

Discharge Transition plan reviewed with

Step Signature

Brenda Watts

Date

9/26/19

se

Madison Morrison, LPN

Date

9/26/19



ADMISSION RECORD

PowerBack Center City Phila
1526 Lombard St.
Philadelphia, PA 19146-1625
TEL: (215) 546-5960

Jan 22, 2020 11:22:53 ET

RESIDENT INFORMATION

Resident Name		Preferred Name		Unit	Room / Bed	Admission Date	Init. Adm. Date	Orig. Adm. Date	Resident #
WATTS, BRENDA					-	09/13/2019	09/13/2019		117103
Previous address					Previous Phone #		Legal Mailing address		
2101 N 33RD STREET APT H, PHILADELPHIA, PA, 19122					(267) 506-6460				
Sex	Birthdate	Age	Marital Status	Religion	Race	Occupation(s)	Primary Lang.		
F	05/22/1952	67	Divorced	Unknown	Black, not of Hispanic Origin		English		
Admitted From			Admission Location		Birth Place	Citizenship	Maiden Name		
Acute care hospital			Temple University Hospital						
Medicare (HIC) #		Medicare Beneficiary ID		Medicaid #		Social Security #			
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]			
Evercare #		Managed Medicaid #		Medical Record #		Alien Registration #			
				08239428					
Managed Care #									

PAYER INFORMATION

Primary Payer	Gateway Health Plan Medicare Advantage	Policy #	70132629	Group #		Ins. Company	Gateway Health Plan
Second Payer	Insurance Copay/Deductible						

OTHER INFORMATION

Most Recent Hospital Stay		Allergies	
09/11/2019	09/13/2019	No Known Allergies	
Arbitration Present Date		Arbitration Present To	
Arbitration Sign Date		Arbitration Signed By	
Hospital Preference		Other Referring Diagnoses	
Temple University Hospital (215) 707-2000		LE Weakness	
		Primary Care Physician (PCP) Name/Phone	
		N/A	

CARE PROVIDERS

Provider	Phone	Address	UPIN	NPI
Attending Physician (Primary / Attending) Barnes, David	Office:(215) 546-5960 Cell:(215) 385-4944 Fax:(215) 732-7450	1526 Lombard Street Philadelphia, PA 19146-1625		1366466302
Attending Physician Brantz, Richard	Office:(215) 535-4494 Other:(215) 474-2400 Fax:(215) 535-4203	841 East Hunting Park Avenue Philadelphia, PA 19124-4800		1912903022
Attending Physician Gude, Tulasi	Office:(215) 955-6574 Fax:(215) 955-2311	25 South 9th Street Philadelphia, PA 19107-4408		1386935559
Attending Physician Heckert, Kimberly	Office:(215) 955-6574 Fax:(215) 955-2311	25 South 9th Street Philadelphia, PA 19107-4408		1912127945
Attending Physician Joshowitz, Scott	Office:(215) 546-5960 Fax:(215) 772-9070	1526 Lombard Street Philadelphia, PA 19146-1625		1700189131
Nurse Practitioner Carroll, Jaqueline	Office:(215) 546-5960	1526 Lombard Street Philadelphia, PA 19146-1625		1255805990
Nurse Practitioner Geminder, Jessica	Office:(215) 546-5960 Cell:(908) 477-8083 Fax:(215) 732-7450	1526 Lombard Street Philadelphia, PA 19146-1625		1477068237
Nurse Practitioner Roth, Jay	Office:(215) 913-7381	706 S 11th St Philadelphia, PA 19147-1968		1851615066
Physiatrist Mallow, Michael	Office:(215) 955-1200 Pager:(877) 656-1085 Fax:(215) 955-0861	25 South 9th Street Philadelphia, PA 19107-4408		1023138237
Podiatrist Iezzi, Alfred	Office:(215) 336-6600	2428 South Broad Street Philadelphia, PA 19145-4418	T27656	1679643340

WATTS, BRENDA(117103) -- Continued on Page 2

CARE PROVIDERS				
On Call for Verbal Orders Gomes, Ana	Office:(908) 454-9902 Fax:(908) 454-9905	290 Red School Lane Phillipsburg, NJ 08865-1978		1750348900
Insurance Case Manager Gentner, Bridget	Office:(215) 413-0600	190 North Independence Mall West Philadelphia, PA 19106-1554		
PHARMACY				
Pharmacy	Phone/Fax	Address		
Omnicare - King of Prussia* (Primary)	Phone: (866) 652-4334 Fax: (833) 845-5621	600 Allendale Road King of Prussia, PA, 19406		
EXTERNAL FACILITIES (No Data Found)				
Facility Name	Phone	Facility Type		
CONTACTS				
Name	Contact Type	Relationship	Address	Phone/Email
Brown, Roxanne	Emergency Contact # 1	Niece		Cell:(267) 355-2169
BROWN, MARIE	Emergency Contact # 2	Other		
WATTS, BRENDA	Responsible for Billing Statement	Self	2101 N 33RD STREET APT H PHILADELPHIA, PA, 19122	
DIAGNOSIS INFORMATION				
Code	Description	Onset Date	Rank	Classification
D49.9	NEOPLASM OF UNSPECIFIED BEHAVIOR OF UNSPECIFIED SITE	09/13/2019	Primary	
C90.00	MULTIPLE MYELOMA NOT HAVING ACHIEVED REMISSION	09/13/2019	Secondary	
R22.42	LOCALIZED SWELLING, MASS AND LUMP, LEFT LOWER LIMB	09/13/2019	Other 3	
R26.2	DIFFICULTY IN WALKING, NOT ELSEWHERE CLASSIFIED	09/13/2019	Other 4	
M62.81	MUSCLE WEAKNESS (GENERALIZED)	09/13/2019	Other 5	
R03.0	ELEVATED BLOOD-PRESSURE READING, WITHOUT DIAGNOSIS OF HYPERTENSION	09/13/2019	Other 7	
M19.90	UNSPECIFIED OSTEOARTHRITIS, UNSPECIFIED SITE	09/13/2019	Other 8	
D64.9	ANEMIA, UNSPECIFIED	09/13/2019	Other 9	
E87.6	HYPOKALEMIA	09/13/2019	Other 20 and up	
Z94.84	STEM CELLS TRANSPLANT STATUS	09/13/2019	Other 20 and up	History
ADVANCE DIRECTIVE				
MISCELLANEOUS INFORMATION				
Date of Discharge	Time	Length of Stay	Discharged to (Mortician Name and Licence No.)	
09/26/2019	1556	13	Private home/apt. with home health services: Bayada Nurses -	
Signature			Date	Time
Personal Effects Sent With		Relationship	Date	Time